

III. Amendments to the Drawings

One replacement sheet of drawings is included herein. Replacement sheet 2/4 includes changes to Fig. 3C showing the location of angle (α), and replaces the originally filed sheet 2/4. It is respectfully submitted that no new matter has been added, and entry of these amendments is requested.

IV. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-11 remain pending.

Drawing Amendments

The drawings have been amended to add a leader line and reference letter (α) to Fig. 3C to provide further support in the specification for the claimed recitation of "an angle between about 15 and 75 degrees" as set forth in claim 1. It is respectfully submitted that this angle would have been readily apparent to one of skill in the art and that no new matter has been added.

Claim Amendments

Claim 1 has been amended to recite that the base portion forms at least part of an outer wall surrounding an interior volume in fluid communication with a plurality of tube ends. This language is supported at least in paragraph [0020] of the specification which states that the headers 6 include an inlet 8 and exit 9 through which coolant circulates through tubes 4. From this, it is respectfully submitted that the headers having an outer wall surrounding an interior volume in fluid communication with a plurality of tube ends is inherent to the structure disclosed at least in paragraph [0020] and Fig. 1 and that no new matter has been added.

Claim Rejections - 35 U.S.C. § 112

Claims 1-11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends the specification lacks support for the recitation of "an angle between about 15 and 75 degrees" as set forth in claim 1. As suggested by the examiner, the specification has been amended to include the calculations first discussed in the amendment of September 20, 2006 illustrating the requisite support for the above range. Accordingly, it is believed that this rejection is now moot and should be withdrawn.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2 and 7-11 have been rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 1,730,470 to Modine (Modine '470), U.S. Patent No. 1,893,521 to Modine (Modine '521) or U.S. Patent No. 5,797,448 to Hughes et al. (Hughes).

As conceded by the Examiner in the office action mailed December 14, 2006, Modine '470 shows a tube for a heat exchanger engaged with plate fins 30, wherein the plate fins have trapezoidal profile (see Figure 9). Modine '521 shows a plurality of fins 16 intersected by fluid tubes or passages 15 (see Figure 4). Hughes shows a plurality of plate fins (see Figures 1 and 2) that include indentations and corrugations (col. 1, line 23). The Examiner concedes these references primarily disclose fins engaged with tubes. From this, it is respectfully submitted that the above references each fail to show a header having a base portion forming at least part of an outer wall surrounding an interior volume in fluid communication with a plurality of tube ends as recited in currently

amended claim 1. The fins in the above references are merely intersected by the tube ends to provide cooling to a fluid flowing therein. The fins do not form even a portion of an outer wall surrounding an interior volume in fluid communication with the tubes. Therefore, the rejections based thereon should be accordingly withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

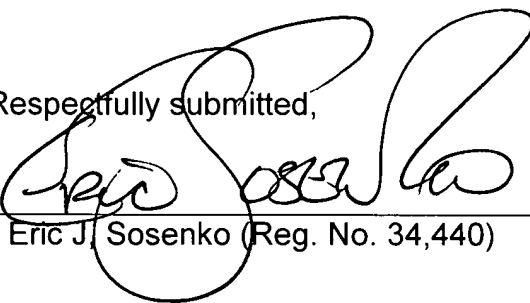
Claims 3-6 depend from Claim 1, which Applicant respectfully submits is patentable for the reasons given above. Therefore, Applicant respectfully submits that claims dependent claims 3-6 are also patentable, for at least the above reasons.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

FEB 14, 2007
Date

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)

EJS/DPH/sc